

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

NATIONAL LABOR RELATIONS BOARD and NEW ENGLAND HEALTH CARE EMPLOYEES UNION, DISTRICT 1199, SEIU,)	Consolidated Civil Action No.
)	14-1725 (CCC)
)	
)	Appeal from Bankr. Case No.
)	13-13653 (DHS)
Appellants,)	
v.)	
)	
710 LONG RIDGE ROAD)	
OPERATING CO. II, LLC, <i>et al.</i> ,)	Hearing Date: January 16, 2018
)	
)	
Appellees.)	

**DECLARATION OF RYAN T. JARECK, ESQ. IN SUPPORT OF
APPELLEES' OBJECTION TO MOTION OF THE NATIONAL LABOR
RELATIONS BOARD TO COMPEL RESPONSES TO DISCOVERY**

I, RYAN T. JARECK, declare pursuant to 28 U.S.C. § 1746:

1. I am an attorney-at-law of the State of New Jersey and a member of Cole Schotz P.C. I submit this declaration (the “**Declaration**”) in support of the objection of 710 Long Ridge Road Operating Company II, LLC d/b/a Long Ridge of Stamford, 240 Church Street Operating Company II, LLC d/b/a Newington Health Care Center, 1 Burr Road Operating Company II, LLC d/b/a Westport Health Care Center, 245 Orange Avenue Operating Company II, LLC d/b/a West River Health Care Center and 107 Osborne Street Operating Company II, LLC

d/b/a Danbury Health Care Center (“**Appellees**”) to the motion [Docket No. 105] (the “**Motion**”) of the National Labor Relations Board (the “**NLRB**”) to compel responses to discovery.

2. All matters set forth in this Declaration are based on my personal knowledge or my review of relevant documents.

3. Attached hereto as Exhibit A is a true and accurate copy of a letter to the United States District Court for the District of New Jersey (the “**Court**”) dated August 20, 2015.

4. Attached hereto as Exhibit B is a true and accurate copy of an Order entered by this Court on August 25, 2015.

5. Attached hereto as Exhibit C is a true and accurate copy of a Stipulation entered by this Court on February 11, 2016.

6. Attached hereto as Exhibit D is a true and accurate copy of a Stipulation entered by this Court on June 29, 2016.

7. Attached hereto as Exhibit E is a true and accurate copy of discovery served on the Appellees by the NLRB on July 1, 2016.

8. Attached hereto as Exhibit F is a true and accurate copy of a Stipulation entered by this Court on July 25, 2016.

9. Attached hereto as Exhibit G is a true and accurate copy of a Stipulation entered by this Court on September 30, 2016.

10. Attached hereto as Exhibit H is a true and accurate copy of a letter to the District Court dated November 11, 2016.

11. On March 2, 2017, Magistrate Judge Falk conducted mediation in these bankruptcy appeals with representatives of the Appellees, the NLRB and the Union. Prior to the mediation, the parties agreed to hold discovery in abeyance pending the outcome of the mediation. During and subsequent to the mediation, the Appellees asserted the related case of *Care One Mgmt., LLC v. United Healthcare Workers E., SEIU 1199*, D.N.J. Case No. 2:12-cv-6371-SDW-MAH should be joined with the parties' ongoing mediation of Consolidated Case No. 2:14-cv-01725-CCC.

12. Attached hereto as Exhibit I is a true and accurate copy of a letter to this Court dated March 15, 2017.

13. Attached hereto as Exhibit J is a true and accurate copy of a letter to this Court dated March 21, 2017.

14. Attached hereto as Exhibit K is a true and accurate copy of a letter to this Court dated March 27, 2017.

15. Attached hereto as Exhibit L is a true and accurate copy of a letter to the Appellees dated August 3, 2017.

16. Attached hereto as Exhibit M is a true and accurate copy of a letter to this Court dated August 10, 2017.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: January 2, 2018



RYAN T. JARECK